

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BINANCE HOLDINGS LIMITED, d/b/a  
BINANCE.COM,

Defendant.

NO. CR23-178RAJ

[PROPOSED]

**ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States' and Defendant Binance Holdings Limited's Stipulated Motion for Order of Forfeiture (the "Stipulated Motion"), in which the parties jointly moved for an Order of Forfeiture forfeiting, to the United States, the Defendant's interest in a sum of money (also referred to as the "Money Judgment") in an amount totaling \$2,510,650,558.

The Court, having reviewed the Stipulated Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of an Order of Forfeiture is appropriate because:

- The Defendant has pleaded guilty to Conspiracy to Conduct an Unlicensed Money Transmitting Business ("MTB") and to Fail to Maintain an Effective Anti-Money Laundering ("AML") Program, in violation of

1 Title 18, United States Code, Section 371 (Count 1); Conducting an  
 2 Unlicensed MTB, in violation of Title 18, United States Code, Sections  
 3 1960(a), 1960(b)(1)(B), and 2 (Count 2); and Violation of the International  
 4 Emergency Economic Powers Act (“IEEPA”), in violation of Title 50,  
 5 United States Code, Section 1705, and Title 31, Code of Federal  
 6 Regulations, Part 560 *et seq.* (Count 3).

- 7 • Pursuant to Title 18, United States Code, Section 981(a)(1)(C), by way of  
 8 Title 28, United States Code, Section 2461(c), any property, real or  
 9 personal, constituting, or derived from, proceeds traceable to the offense of  
 10 Conspiracy to Conduct an Unlicensed MTB and to Fail to Maintain an  
 11 Effective AML Program, in violation of Title 18, United States Code,  
 12 Section 371, is forfeitable to the United States.
- 13 • Pursuant to Title 18, United States Code, Section 982(a)(1), any property,  
 14 real or personal, involved in the offense of Conducting an Unlicensed  
 15 MTB, in violation of Title 18, United States Code, Sections 1960(a),  
 16 1960(b)(1)(B), and 2, is forfeitable to the United States.
- 17 • Pursuant to Title 18, United States Code, Section 981(a)(1)(C), by way of  
 18 Title 28, United States Code, Section 2461(c), any property, real or  
 19 personal, constituting, or derived from, proceeds traceable to the offense of  
 20 Violation of IEEPA, in violation of Title 50, United States Code, Section  
 21 1705, and Title 31, Code of Federal Regulations, Part 560 *et seq.*, is  
 22 forfeitable to the United States.
- 23 • The Information and the stipulated Statement of Facts recite the factual  
 24 basis for forfeiting the property involved in the offense of Conducting an  
 25 Unlicensed MTB. *See* Information; Statement of Facts.

- 1 • The Information and the stipulated Statement of Facts recite the factual  
2 basis for forfeiting the proceeds traceable to the offense of Violation of  
3 IEEPA. *See* Information; Statement of Facts.
- 4 • In the Plea Agreement it entered on November 21, 2023, the Defendant  
5 admitted, agreed, and stipulated that all the facts set forth in the Information  
6 and in the stipulated Statement of Facts were true and correct. *See* Plea  
7 Agreement ¶11.
- 8 • The sum of money in the amount of \$1,612,031,763 is forfeitable pursuant  
9 to Title 18, United States Code, Section 982(a)(1), as it reflects the profits  
10 the Defendant obtained from its commission of Conducting an Unlicensed  
11 MTB (Count 2), to which it entered a guilty plea.
- 12 • The sum of money in the amount of \$898,618,825 is forfeitable pursuant to  
13 Title 18, United States Code, Section 981(a)(1)(C), by way of Title 28,  
14 United States Code, Section 2461(c), as it reflects the proceeds the  
15 Defendant obtained from its commission of Violation of IEEPA (Count 3),  
16 to which it entered a guilty plea.
- 17 • The total of the sums of money forfeitable on Counts 2 and 3 is  
18 \$2,510,650,558, and as such that is the total amount of the Money  
19 Judgment.
- 20 • Pursuant to Federal Rule of Criminal Procedure (“Fed. R. Crim. P.”)  
21 32.2(c)(1), no third-party ancillary process is required before entering it.  
22

23 NOW, THEREFORE, THE COURT ORDERS:

24 1) Pursuant to 18 U.S.C. § 982(a)(1) (as to Count 2), 18 U.S.C. § 981(a)(1)(C)  
25 and 28 U.S.C. § 2461(c) (as to Count 3), and the Plea Agreement, the Court enters a  
26 money judgment in the amount of \$2,510,650,558 against the Defendant;  
27

1           2) Pursuant to the above-referenced authority and the Defendant's Plea  
2 Agreement, the Defendant shall pay the Money Judgment in full pursuant to the payment  
3 terms, and the Defendant's failure to do so would constitute a breach of the Plea  
4 Agreement, notwithstanding entry of the instant Order, *See* Plea Agreement ¶ 19;

5           3) Pursuant to Fed. R. Crim. P. 32.2(b)(4), this Order will become final as to  
6 the Defendant at the time of its entry by the Court; it will be made part of the sentence;  
7 and it will be included in the judgment;

8           4) Pursuant to Fed. R. Crim. P. 32.2(e), in order to satisfy this Order forfeiting  
9 the sum of money, in whole or in part, the United States may move to amend this Order  
10 at any time, to include substitute property having a value not to exceed \$2,510,650,558;

11           5) Forfeiture of the sum of money is separate and distinct from the satisfaction  
12 of any fine, restitution, cost of imprisonment, or any other penalty the Court may impose  
13 upon the Defendant in addition to forfeiture; and

14           6) The Court will retain jurisdiction in this case for the purpose of enforcing  
15 this Order, as necessary.

16           IT IS SO ORDERED.

17           DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

18  
19  
20  
21           \_\_\_\_\_  
22           THE HON. RICHARD A. JONES  
23           UNITED STATES DISTRICT JUDGE  
24  
25  
26  
27

1 Presented by:

2  
3 MARGARET A. MOESER  
4 Acting Chief  
5 Money Laundering and Asset Recovery  
6 Section, Criminal Division  
7 U.S. Department of Justice

TESSA M. GORMAN  
Acting United States Attorney  
Western District of Washington  
U.S. Department of Justice

8 /s Kevin G. Mosley  
9 Kevin G. Mosley  
10 Elizabeth R. Carr  
11 Trial Attorneys

/s Michael Dion  
Michael Dion  
Assistant United States Attorney

12 JENNIFER K. GELLIE  
13 Acting Chief  
14 Counterintelligence and Export Control  
15 Section, National Security Division  
16 U.S. Department of Justice

17 /s Alex Wharton  
18 Alex Wharton  
19 Beau D. Barnes  
20 Trial Attorneys  
21  
22  
23  
24  
25  
26  
27